

Frame of Thrones: Portrayals of Rape in HBO's *Game of Thrones*

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TABLE OF CONTENTS

I.	INTRODUCTION	113
II.	LAW AND CINEMA	116
III.	PORTRAYING RAPE IN <i>GAME OF THRONES</i>	119
	A. <i>Sun and Stockholm's?: Daenerys Targaryen</i>	119
	B. <i>Brotherly Lover: Cersei Lannister</i>	123
	C. <i>The Unlikely Ice Queen: Sansa Stark</i>	126
IV.	A CUMULATIVE ANALYSIS: EXPANDING THE EXISTING THEORETICAL FRAMEWORK	130
V.	BEYOND THE LAW: ROUGH JUSTICE IN THE WILD WESTEROS	133

I. INTRODUCTION

As American socio-legal culture has adopted a more expansive but divided view regarding what constitutes sexual violence, American primetime television has increasingly begun to regularly feature scenes of rape and sexual violence. The omnipresence of sexual violence on television suggests a cultural normalization of and desensitization to rape. This is evidenced by the widespread popularity of shows such as NBC's *Law and Order: Special Victims*

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Unit,¹ FX's *American Horror Story*,² and Starz's *Outlander*,³ all three of which consistently use rape as a plot device. This is particularly poignant in HBO's cultural phenomenon, *Game of Thrones*, which boasts thirty-million viewers in the United States alone⁴ and regularly features scenes of brutal sexual violence against both men and women.

Sex and sexual violence, both consensual and nonconsensual, are routinely weaponized to attain and maintain power in the show, which chronicles an epic battle between several noble houses for control of the Iron Throne and the seven kingdoms it represents.⁵ The primary stage for this game of thrones is Westeros after the murder of the king, Robert Baratheon, sets a war in motion in the destabilized kingdom.⁶ The threat of rape and sexual violence, from both acquaintances and strangers, is deeply entrenched in both the mainstream culture of Westeros and all of the "other" cultures that appear on the show.⁷ In wartime Westeros, rape is considered unavoidable and women are expected always to travel with male protectors.⁸ However, rape—at least where it is extramarital and committed against an upper-class woman—is legally punishable.⁹ Nonspousal rapists are castrated or condemned to "take the black" as guardians of the Wall of ice that separates Westeros from the wild North.¹⁰ Elsewhere in the world of *Game of Thrones*, the Dothraki tribal horselords consider rape an expected spoil for conquerors,¹¹ and the Ironmen of the Iron Island, an independent territory of Westeros, believe that their deity "had made them to reave and rape."¹²

¹ Claire Williams, *The Untold Truth of Law & Order: SVU*, LOOPER, <http://www.looper.com/17430/untold-truth-law-order-special-victims-unit/> [https://perma.cc/2ZES-X25G].

² Daniel Holloway, *TV Ratings: 'American Horror Story: Roanoke' Premiere Is Third Most Watched Episode in FX Franchise's History*, VARIETY (Sept. 20, 2016), <http://variety.com/2016/tv/news/tv-ratings-american-horror-story-roanoke-premiere-is-third-most-watched-episode-in-fx-franchises-history-1201865819/> [https://perma.cc/P65G-BNAY].

³ Rick Kissell, *Ratings: Starz Drama 'Outlander' Returns Twice as Big as Series Premiere*, VARIETY (Apr. 12, 2016), <http://variety.com/2016/tv/news/ratings-starz-drama-outlander-returns-strong-1201751611/> [https://perma.cc/835J-LHHR].

⁴ James Hibberd, *Game of Thrones Boom: Ratings Hit 30 Million Viewers*, ENT. WKLY. (Aug. 2, 2017), <http://ew.com/tv/2017/08/02/game-of-thrones-viewers-ratings/> [https://perma.cc/39U6-7QWR] (including both broadcast and streaming viewership).

⁵ Rikke Schubart & Anne Gjelsvik, *Introduction to WOMEN OF ICE AND FIRE: GENDER, GAME OF THRONES, AND MULTIPLE MEDIA ENGAGEMENTS* 1, 5 (Anne Gjelsvik & Rikke Schubart eds., 2016).

⁶ *Id.*

⁷ VALERIE ESTELLE FRANKEL, *WOMEN IN GAME OF THRONES: POWER, CONFORMITY AND RESISTANCE* 8–9 (2014).

⁸ *Id.* at 10.

⁹ *Id.*

¹⁰ *Id.*

¹¹ GEORGE R.R. MARTIN, *A GAME OF THRONES* 668 (Bantam Books 2011) (1996).

¹² FRANKEL, *supra* note 7, at 9 (quoting GEORGE R.R. MARTIN, *A CLASH OF KINGS* 129 (Bantam Books 1999)).

While the show's power dynamics and sexual politics lend a sense of realism, the medieval, fantasy setting of *Game of Thrones* transcends the constraints of reality—the fantasy genre itself presenting a unique opportunity to challenge existing legal and social constructs.¹³ Significantly, the cinematic framing of the show implicates viewers themselves as active citizens of Westeros. Viewers are encouraged to relate to Westerosi culture while viewing other cultures as “others,” including the Wildling “savages” north of the Wall separating Westeros from the wild, arctic frontier; the southern, Dornish “exotics”; the eastern “oriental” cultures; and the “tribal” Dothraki.¹⁴ This active viewership is encouraged by the very name of Westeros, which closely mirrors “western,” the real-world culture paralleled by the mainstream culture of the show.

The implications of this viewer identification are significant as it relates to the show's incessant inclusion of rape scenes. There is a tremendous amount of sexual violence in the show, and the portrayal of such violence is uniformly and hyperbolically disturbing, if controversial.¹⁵ Viewers voyeuristically witness these disturbing scenes of sexual violence—as entertainment, no less—while simultaneously judging both victims and perpetrators as a jury of peers.¹⁶

The complicated treatment of rape culture¹⁷ in *Game of Thrones* parallels the complicated understanding of rape in American socio-legal culture, a relationship that belies refinement into a singular thesis. However, the significance of popular television shows like *Game of Thrones*, whose messages about rape culture reach millions of viewers, in shaping American culture and law, merits exploration.¹⁸ The widespread popularity of HBO's hit series attests to its influence as a prominent social actor in affecting rape culture.¹⁹

¹³ Daniel Baker, *Why We Need Dragons: The Progressive Potential of Fantasy*, 23 J. FANTASTIC ARTS 437, 437 (2012).

¹⁴ See CAROLYN LARRINGTON, WINTER IS COMING: THE MEDIEVAL WORLD OF GAME OF THRONES 6–7 (2016).

¹⁵ Sara David, *Counting Every Instance of Rape, Death, and Nudity on 'Game of Thrones'*, VICE: BROADLY. (Sept. 7, 2017), https://broadly.vice.com/en_us/article/qvwx83/game-of-thrones-by-the-numbers [<https://perma.cc/E2G5-KEGE>] (finding that there were a total of seventeen rapes and attempted rapes in the show's seven seasons). The show also frequently mentions and features other acts of sexual violence, most notably involuntary male castration and genitalia removal. *E.g.*, *Game of Thrones: The Bear and the Maiden Fair*, at 00:38:42–:42:10 (HBO television broadcast May 12, 2013) (broadcasting a particularly disturbing scene in which an imprisoned man is first seduced by two young women and then violently mutilated when his sadistic captor removes his genitalia with a flaying knife).

¹⁶ See ORIT KAMIR, FRAMED: WOMEN IN LAW AND FILM 35 (2006).

¹⁷ As used here, “rape culture” refers to a pervasive set of sociocultural ideas that normalize rape by incorporating and perpetuating gender and sexual roles, particularly fixed for women. MOLLY ANN MAGESTRO, ASSAULT ON THE SMALL SCREEN: REPRESENTATIONS OF SEXUAL VIOLENCE ON PRIME-TIME TELEVISION DRAMAS, at xv (2015).

¹⁸ See LISA M. CUKLANZ, RAPE ON PRIMETIME: TELEVISION, MASCULINITY, AND SEXUAL VIOLENCE 160 (2000); KAMIR, *supra* note 16, at xv.

¹⁹ KAMIR, *supra* note 16, at xv.

The second Part of this Essay explores some of the prominent existing frameworks for understanding the complicated relationship between law and cinema. Part III examines the portrayal of rape in three notorious scenes from *Game of Thrones*: the rape of Daenerys Targaryen, the rape of Cersei Lannister, and the rape of Sansa Stark. While there is a plethora of disturbing scenes throughout the show's seven seasons that portray a wide variety of sexual violence, this Essay is narrowly constrained to analyzing these three portrayals of male-on-female rape in the show. Each of these scenes depicts the rape of a noble woman, and all three of these women deal with their sexual assaults in an extralegal setting despite any legal mechanisms that may exist for prosecuting and punishing rapists in certain circumstances. The fourth Part of this Essay will cumulatively assess these three rape scenes, which ultimately both defy and expand upon the existing analytical framework for understanding the relationship between law, rape culture, and television. Finally, Part V will argue that the extralegal framing of these rapes creates a space uniquely situated for a more productive challenge to existing conceptions of rape. By depicting rapes that defy legal constructs of rape and are resolved beyond the confines of the law, it ultimately begs the question: How does the law structure our language for understanding sexual violence?

II. LAW AND CINEMA

In general, both law and film perform important social functions, reinforcing and challenging each other as significant social actors.²⁰ They each keenly influence the development of social constructs, such as community, personal and collective identity, truth, justice, and gender roles.²¹ Early feminist film theories argued that film reinforced male dominance by inviting both male and female viewers to take on a masculine identity.²² This phenomenon occurred through cinematic framing wherein the camera took on a "male gaze" that was gendered, omnipotent, and dominating, focusing upon and objectifying on-screen women.²³ The upshot of this theory was an oppressive Freudian reality: female viewers, seduced to identify with on-screen female characters, thereby passively accepted their own sexual objectification as a means of providing erotic cinematic pleasure to men.²⁴ Later feminist film theories took a somewhat more hopeful view.²⁵ These theories posited that cinematic pleasure could be understood to induce sympathetic identification and even viewer interaction with on-screen characters, presenting a unique opportunity for

²⁰ CUKLANZ, *supra* note 18, at 160.

²¹ KAMIR, *supra* note 16, at 2.

²² Laura Mulvey, *Visual Pleasure and Narrative Cinema*, in *FILM THEORY AND CRITICISM* 833, 833, 837 (Leo Braudy & Marshall Cohen eds., 5th ed. 1999).

²³ *Id.* at 837.

²⁴ See KAMIR, *supra* note 16, at 24 (citing Mulvey, *supra* note 22, at 837).

²⁵ *Id.* at 35.

viewers to partake in a cinematic judiciary role in ways that could *either* reinforce *or* deconstruct male dominance.²⁶

One of the most impactful ways in which law and film affect social culture is by inviting individual viewers to engage with and actively participate in a joint community sharing a particular worldview, as defined by either law or film.²⁷ Cinematic legal systems encourage viewers to judge both victims and perpetrators alike, supplementing the real-world and “fictional legal systems’ treatment of rape” and potentially “upholding rape law’s suppressed subtext.”²⁸ In echoing the social effects of one another, law and film concomitantly reflect and react to one another; each profoundly affects and influences the other.²⁹

The potential effect that film media can have on normative legal culture is particularly salient as it relates to portrayals of rape. On the one hand, the media can perpetuate problematic rape culture.³⁰ On the other hand, cinematic media can serve as a platform for presenting stories about rape³¹ and offer new opportunities to explore and challenge rape culture. This potential is apparent in the emergence of online fan forums and multi-media platforms, which serve as sites for digital interaction among viewers of a particular film or television show, and where viewers can discuss and deconstruct controversial issues such as rape.³²

The portrayal of rape narratives on primetime television has reactively developed alongside rape law reform.³³ In one study, feminist film theorist Lisa Cuklanz looked at the primetime television portrayals of rape from the 1970s through the 1990s.³⁴ Cuklanz found that earlier portrayals of rape in the 1970s and 1980s highlighted victim vulnerability and contrasted “good” and “bad” masculinity by characterizing rape as a brutally violent crime committed against women by male strangers.³⁵ The television victims provoked these acts of sexual violence, and the perpetrators, representing “bad” masculinity, were portrayed as abnormal, depraved, marginal men.³⁶ These “bad” men were juxtaposed against the male detective heroes who avenged the helpless female rape victims.³⁷ By contrasting the perverse masculinity of the perpetrators with the heroic masculinity of detectives, primetime television denied that rape was

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 37.

²⁹ *Id.*

³⁰ CUKLANZ, *supra* note 18, at 160.

³¹ *See* KAMIR, *supra* note 16, at 2.

³² *See* Debra Ferreday, *Game of Thrones, Rape Culture and Feminist Fandom*, 30 AUSTRALIAN FEMINIST STUD. 21, 23 (2015); *see also* Schubart & Gjelsvik, *supra* note 5, at 8.

³³ *See* CUKLANZ, *supra* note 18, at 7–18, 60–61; MAGESTRO, *supra* note 17, at xvii–xviii, xxii–xxiii.

³⁴ CUKLANZ, *supra* note 18, at 27.

³⁵ *Id.* at 5–6.

³⁶ *Id.*

³⁷ *Id.*

a systemic, social phenomenon, dismissing it as a localized product of individual depravity.³⁸

By contrast, in concert with rape law reform, by the 1990s television commonly portrayed rape as nonviolent and committed by an acquaintance of the victim.³⁹ These rapes were more ambiguous and often less overtly violent than the television rapes of the 1970s and 1980s, leaving more room for viewers to analyze and engage with them.⁴⁰

Ultimately, however, Cuklanz found that even though the narratives and rape tropes had changed, primetime rape continued to serve as a discourse for masculinity, constructing and defining a form of “hegemonic masculinity” in spite of feminist legal reforms.⁴¹ Portrayals of rape focused on masculine identity and women’s subordination to men rather than on the female victim’s experience of rape and its greater societal roots.⁴² Moreover, even the acquaintance rapes of the 1990s were disconnected from “structural elements of American life such as socialization, patriarchy, pervasive depictions of violence against women, or oppositionally defined gender roles.”⁴³ This disconnect was necessary to sustain male dominance and superiority.⁴⁴ Rather than demonstrating the relationship between socially constructed, patriarchal notions of male dominance and female subordination, primetime television presented rape as the natural result of *individual* sickness, perversion, and even psychopathy.⁴⁵

Most studies of the relationship between film and law, and more specifically rape law, have focused on the genre of crime or detective drama.⁴⁶ Portrayals of the legal system in film lend themselves to exploring the significance of cinematic framing because such films overtly invite viewers to “actively judge situations and characters, applying the juridical notions the films present.”⁴⁷ The fantasy genre, however, presents a unique opportunity to analyze the social influence of film on legal norms by creating a space removed from such norms.⁴⁸ The fantastical, medieval settings of television dramas like *Game of Thrones* allow viewers to simultaneously distance themselves from the patriarchal legal culture of the show and yet invite viewers to completely immerse themselves in the culture as active participants therein.

³⁸ *Id.* at 31.

³⁹ *Id.* at 4, 36.

⁴⁰ CUKLANZ, *supra* note 18, at 37, 40.

⁴¹ *Id.* at 2.

⁴² *Id.*

⁴³ *Id.* at 69.

⁴⁴ *Id.* at 22.

⁴⁵ *Id.* at 61.

⁴⁶ *E.g.*, CUKLANZ, *supra* note 18, at 19–25; KAMIR, *supra* note 16, at 37–38.

⁴⁷ KAMIR, *supra* note 16, at xii.

⁴⁸ Baker, *supra* note 13, at 437.

III. PORTRAYING RAPE IN *GAME OF THRONES*

Within the fantastical, medieval context of *Game of Thrones*, viewers are simultaneously and implicitly encouraged to judge and participate in a number of horrifying portrayals of sexual violence against men and women alike. Three notable scenes in the series depict exceptionally disturbing scenes of male-on-female rape against a noble woman: the rape of Daenerys Targaryen, the rape of Cersei Lannister, and the rape of Sansa Stark. Each of these three women is systematically victimized and dehumanized as the audience bears witness; and each eventually resolves their rape beyond the constraints of the law through acts of vengeance against either their perpetrator or other complicit actors within the existing patriarchy. This Part describes each of these three scenes, and assesses the resolutions that the three women bring about in response.

A. *Sun and Stockholm's?: Daenerys Targaryen*

Daenerys Targaryen begins her on-film story as a timid, meek young girl.⁴⁹ She is the daughter of the defeated “Mad King” of Westeros, and is living in exile with her older brother, Viserys.⁵⁰ Daenerys is entirely dependent upon Viserys, who has verbally, physically, and psychologically abused and systematically subordinated Daenerys for her entire life.⁵¹ Viserys trades Daenerys against her will to the powerful warlord Khal Drogo, leader of a nomadic Dothraki tribe, in exchange for the promise of an army that will help him to reclaim his father’s Iron Throne in Westeros.⁵² Viserys reveals his abusive temperament in the series’ premiere episode and foreshadows the sexual violence to come when he apathetically tells Daenerys: “I would let his whole tribe fuck you, all forty thousand men and their horses, too, if that is what it took.”⁵³ Daenerys quietly accepts her brother’s abuse, and is physically inspected, appraised, and sold like an animal to her new husband.⁵⁴

Following her Dothraki wedding ceremony, during which several female guests are gang-raped by male guests in a customary, celebratory tribal dance,⁵⁵ Daenerys’s new husband wordlessly leads her away.⁵⁶ She follows him tentatively, her fear palpable. He leads her to a cliff as the sun sets, menacingly circling her and repeating the word “no”—apparently the only Westerosi word he knows. Daenerys quietly asks Khal Drogo if he knows the common tongue, to which he ironically answers, “No,” as he steps behind her. He pulls down her

⁴⁹ *Game of Thrones: Winter Is Coming*, at 00:33:43 (HBO television broadcast Apr. 17, 2011).

⁵⁰ *Id.* at 00:33:23–37.

⁵¹ *E.g., id.* at 00:34:28–35:19.

⁵² *Id.* at 00:38:28–39:26.

⁵³ *Id.* at 00:39:26–35.

⁵⁴ *Id.* at 00:34:32–35:02, 00:37:18–38:08.

⁵⁵ *Game of Thrones: Winter Is Coming*, *supra* note 49, at 00:51:42–51.

⁵⁶ *Id.* at 00:55:45–57:33.

dress. Daenerys whimpers and tries to cover herself with her hands, but he moves them away, exposing her breasts to the camera, and begins roughly groping her as she weeps. He then bends her over and begins to rape her from behind when the scene cuts.

Even though this first rape scene depicts nontraditional, spousal rape, many “traditional” elements of rape are also apparent.⁵⁷ The perpetrator is a foreign, exotic man—an “other” with whom the audience is not encouraged to relate. He is a member of a very non-Westerosi, nomadic culture. He is dark skinned, unlike the natives of Westeros, and speaks another language, which is translated on the show in subtitles and further emphasized by Daenerys’s question regarding his familiarity with the “common tongue.” He is presented as a wild man, with long, dark braids down his back and beard, tribal clothing, blue war paint, and smoky eye makeup. In fact, when the audience first meets him, Viserys describes him to Daenerys and viewers as a “savage, of course.”⁵⁸ By contrast, the victim, Daenerys, is not an “other.” She is beautiful, with porcelain white skin and pale, blond hair, she speaks English, and she is both royal and Westerosi by birth. Her child-like vulnerability is made apparent early in the episode, when she tells her brother that she does not want to marry Khal Drogo, she just “want[s] to go home.”⁵⁹ The juxtaposition between Daenerys and her rapist invites the audience to sympathize with Daenerys by highlighting her vulnerability, weakness, and cultural familiarity.

The import of Daenerys’s rape is accentuated by the fact that in the written series, the scene on their wedding night is arguably consensual.⁶⁰ In the book, her husband similarly speaks the only word he knows of Daenerys’s native Westerosi language, “no,” but frames it as a question while gently seducing her until she responds, “Yes.”⁶¹ The resulting message is far different than the message the show conveys.⁶² In both the written series and its cinematic adaptation, Daenerys has never had any personal agency as a result of her life-long abuse at the hands of her brother.⁶³ Under her husband’s protection and with his adoring support, however, she grows and evolves into an independent

⁵⁷ See CUKLANZ, *supra* note 18, at 7–8, 31 (describing traditional rape tropes and elements).

⁵⁸ *Game of Thrones: Winter Is Coming*, *supra* note 49, at 00:37:09.

⁵⁹ *Id.* at 00:39:02.

⁶⁰ Of course, this analysis is somewhat undermined by the fact that in the written series, Daenerys is portrayed as a child at this point in the series, much younger than her adult television counterpart. MARTIN, *supra* note 11, at 28 (“Dany was thirteen . . .”). For a discussion of the significance of the divergence of this and other scenes depicting rape on the show from scenes of consensual sex in the written series, see generally Jennifer Phillips, *Confrontational Content, Gendered Gazes and the Ethics of Adaptation in Outlander and Game of Thrones*, in *ADORING OUTLANDER: ESSAYS ON FANDOM, GENRE AND THE FEMALE AUDIENCE* 162, 176 (Valerie Estelle Frankel ed., 2016).

⁶¹ Phillips, *supra* note 60, at 163 (citing MARTIN, *supra* note 11, at 106–08).

⁶² *Id.* at 164.

⁶³ *Id.*

and outspoken leader.⁶⁴ This scene marks the beginning of her evolution. In the book, her transition begins with an arguably consensual depiction of love-making; in the show, her transition begins with her rape. This presentational divergence emphasizes the centrality of sexual violence as a tool for gaining and maintaining power in the show by highlighting its occurrence at a crossroads in her character development.

In spite of her rape, Daenerys grows from a young victim of incessant abuse at the hands of male superiors into a powerful female conqueror and champion of human rights as the renowned Mother of Dragons.⁶⁵ Much has been made of the fact that the show seems to forget Daenerys was ever raped by her husband in the next seven seasons of *Game of Thrones*.⁶⁶ Daenerys herself seems to forget, developing a perverse version of Stockholm's Syndrome and lovingly referring to her husband as her "sun and stars."⁶⁷ The audience is similarly encouraged to forget, distracted by the show's presentation of Daenerys and Khal Drogo's marriage as a romantic love story up until Khal Drogo is killed by a witch's curse later in the first season.⁶⁸ But perhaps this selective amnesia does not merely belittle Daenerys's rape. Criticism of the show's supposed ambivalence toward Daenerys's rape seems akin to critiques of the state that criminal law essentially weaponizes rape, perpetrating further sexual injury by forcing rape survivors into the role of victims.⁶⁹ In this way, this criticism also

⁶⁴ FRANKEL, *supra* note 7, at 12.

⁶⁵ *Id.* at 12.

⁶⁶ Phillips, *supra* note 60, at 164.

⁶⁷ See *id.*; Sonia Saraiya, *Rape of Thrones*, A.V. CLUB (Apr. 20, 2014), <http://www.avclub.com/article/rape-thrones-203499> [<https://perma.cc/DH3E-5X9W>]. In a later scene in the seventh season, however, when she is finally back in Westeros making alliances to help secure her the Iron Throne, Daenerys decidedly acknowledges her rape in a powerful monologue:

I've spent my life in foreign lands. So many men have tried to kill me. I don't remember all their names. I have been sold, like a brood mare. I've been chained, and betrayed. Raped, and defiled. Do you know what kept me standing through all those years in exile? Faith. Not in any gods. Not in myths and legends. In myself. In Daenerys Targaryen.

Game of Thrones: The Queen's Justice, at 00:15:32–16:12 (HBO television broadcast July 30, 2017).

⁶⁸ Phillips, *supra* note 60, at 164. *Contra* discussion *supra* note 67 (reminding the audience of Daenerys's rape in a powerful scene in the seventh season).

⁶⁹ See Janet Halley, *Rape in Berlin: Reconsidering the Criminalisation of Rape in the International Law of Armed Conflict*, 9 MELBOURNE J. INT'L L. 78, 115 (2008). For example, in her literary analysis of an anonymous diary written by a German woman living in Berlin at the time of the Soviet occupation, Janet Halley describes a moment when the woman's former lover, a German soldier, returns to her and reads the woman's abject accounts of being regularly raped by a multitude of men, including a "chosen" male protector. *Id.* The woman's former lover is disgusted by her light-hearted attitude toward the rapes. *Id.* at 108. "We are asked to understand that, if the Woman and her neighbours had presented themselves as completely destroyed by the rapes—as some women indeed were—he

highlights a critical way in which the law structures our language for understanding what constitutes sexual violence. This understanding of Daenerys's "forgetfulness" reflects viewers' own inescapable understanding of legal procedural constructs surrounding rape, where retribution can only properly be administered by the State.⁷⁰

But Daenerys does, in fact, deal with her rape, and she does so beyond the legal prosecutorial domain. She takes control of her sexuality, eventually using it to overpower her husband, culminating in a later scene in which she seduces and has *her* way with *him*, on her own terms.⁷¹ When Khal Drogo dies, Daenerys is reborn in a phoenix-like moment, walking into her husband's burning funeral pyre with three fossilized dragon's eggs, a gift from her wedding, and emerging unscathed as the mother of three dragons.⁷² Daenerys's sexual autonomy continues to evolve throughout the series, eventually leading to a scene depicting her second lover, Daario Naharis, nude while a fully clothed Daenerys and cinematic framing objectify him with a decidedly *female gaze*.⁷³

Daenerys's rape thereby precipitates her empowering, extralegal self-actualization. It drives her to make a choice regarding how she will advocate for her own autonomy, both sexually and politically. Because of her self-actualization, Daenerys ultimately becomes a character with the potential to entirely derail the existing patriarchal power structure in the show. She begins by conquering the eastern slave states and then by defying and deconstructing the Dothraki patriarchy, in which custom dictates that when a khal dies, his widowed khaleesi must live out her days, celibate, in a colony of other widows.⁷⁴ When Daenerys is captured by a Dothraki tribe and brought to this colony of widows,⁷⁵ however, she retains her fiery, autonomous spirit. She declares that the remaining male khals are weak, small, and unfit to lead, and that she will lead the Dothraki herself.⁷⁶ In response, one of the khal leaders, laughing, tells Daenerys that they will not permit her to live among the widowed

probably would have been fine." *Id.* His expectation of rape victims as being "destroyed" by their attack perpetuates an understanding of rape as the preeminent wrong, a fate worse than death, which is structured by legal and cultural treatments thereof. *See id.* at 104.

⁷⁰ William Ian Miller, *Clint Eastwood and Equity: Popular Culture's Theory of Revenge*, in *LAW IN THE DOMAINS OF CULTURE* 161, 162 (Austin Sarat & Thomas R. Kearns eds., 1998).

⁷¹ *Game of Thrones: The Kingsroad*, at 00:42:30–43:57 (HBO television broadcast Apr. 24, 2011).

⁷² *Game of Thrones: Fire and Blood*, at 00:51:18–53:44 (HBO television broadcast June 19, 2011).

⁷³ *Game of Thrones: Mockingbird*, at 00:21:56–22:38 (HBO television broadcast May 18, 2014).

⁷⁴ *Game of Thrones: The Red Woman*, at 00:45:05–22 (HBO television broadcast Apr. 24, 2016).

⁷⁵ *Game of Thrones: Oathbreaker*, at 00:21:30 (HBO television broadcast May 8, 2016).

⁷⁶ *Game of Thrones: Book of the Stranger*, at 00:55:38–54 (HBO television broadcast May 15, 2016).

khaleesi. He tells her that instead, each of the khals will “take turns fucking you. And then we’ll let our bloodriders fuck you. And if there’s anything left of you, we’ll give our horses a turn.”⁷⁷ His threat of gang rape closely mirrors her brother’s earlier promise in the first episode of the series,⁷⁸ but Daenerys’s response is much different this time. Rather than fearfully submitting, Daenerys smiles at the khals as she sets fire to the temple in which they are all locked, burning them, their temple, and the patriarchy that they represent to the ground.⁷⁹ The surviving Dothraki, men and women alike, bow to Daenerys as she once again emerges from the flames unscathed.⁸⁰

An orphan and a widow with real political power—power in the form of control over the last three dragons in existence, seeming immortality and an imperviousness to fire, control of a massive army of devoted eunuchs and former slaves that she herself emancipated, and a strong birthright claim to the Iron Throne—she is the one woman in the show with a seemingly complete sense of agency free from any male influence.⁸¹

B. *Brotherly Lover: Cersei Lannister*

Cersei Lannister, Robert Baratheon’s widow and eventual Queen regnant of Westeros, is also raped in a very disturbing scene.⁸² She is in the royal religious sept, mourning the murder of her cruel eldest son, when she is approached by her twin brother, Jaime. The two siblings have been in a long-term, romantic relationship since they were children, ironically one of the longest lasting and most passionate love stories of the entire series. Cersei turns away from her son’s corpse and into Jaime’s arms, weeping, “He was our son. Our baby boy.”⁸³

At first, Jaime softly comforts Cersei, stroking her hair and lovingly embracing her. He begins to kiss her, but when Cersei rejects him, the mood of the scene darkens and Jaime grows angry. He calls Cersei a hateful woman, then grabs her by the hair and turns her toward him, practically throwing her on top of their son’s dead body, aggressively kissing her all the while. Throughout the attack, Cersei audibly weeps and repeatedly asks Jaime to stop, to which he replies, “No.” She tells him, “It’s not right”; he responds that he does not care.⁸⁴

⁷⁷ *Id.* at 00:55:57–:56:24.

⁷⁸ See *Game of Thrones: Winter Is Coming*, *supra* note 49, at 00:39:26–:35; *supra* text accompanying note 53.

⁷⁹ *Game of Thrones: Book of the Stranger*, *supra* note 76, at 00:56:25–:58:11.

⁸⁰ *Id.* at 00:58:11–:59:33.

⁸¹ Caroline Spector, *Power and Feminism in Westeros*, in *BEYOND THE WALL: EXPLORING GEORGE R.R. MARTIN’S A SONG OF ICE AND FIRE* 169, 186–87 (James Lowder ed., 2012).

⁸² *Game of Thrones: Breaker of Chains*, at 00:15:31–:17:11 (HBO television broadcast Apr. 20, 2014).

⁸³ *Id.* at 00:15:37–:41.

⁸⁴ *Id.* at 00:17:00–:07.

He then rips off Cersei's skirt, throws her to the ground beside the funeral bier, and rapes her.

As was the case regarding Daenerys's rape, the cinematic presentation of this scene contrasts the same scene in the book, which describes consensual sex (or at least sex that becomes consensual) between Cersei and Jaime.⁸⁵ In the book, Cersei tells Jaime to "do me now," and even helps to guide him inside of her with her hands before further affirming her consent with an emphatic "yes."⁸⁶ Again, the contrast between the written story and film adaptation of *Game of Thrones* emphasizes the centrality of sexual violence as a tool for gaining and maintaining power in the show, and also presents an opportunity for later extralegal resolution.

Unlike Daenerys and Sansa, however, Cersei is not a quintessentially sympathetic rape victim, especially because her attacker is also her long-time incestuous lover. Cersei is never presented as the vulnerable feminine archetype.⁸⁷ She seizes her own power and rules Westeros as Queen, first as consort to her husband, later behind her two sons, and finally as controversial Queen regnant after her younger son throws himself from a castle window.⁸⁸ Throughout the series, she notoriously uses her femininity, her sexuality, and even murder to gain and maintain consistent power,⁸⁹ blatantly defying female gender expectations of women as "virtuous, pure, and helpless."⁹⁰ Cersei's promiscuity and incestuous romantic involvement with her brother exclude her from social and legal understandings of rape victims in spite of the fact that the scene clearly depicts rape.

Cersei's unsympathetic femininity silences her, secludes her, and denies her "a feminine community, support, solidarity, and empathy" among both female viewers and the other women on *Game of Thrones*.⁹¹ And yet, the audience can still sympathize with her as a woman that will ultimately do anything to protect her children.⁹² Moreover, the circumstances of her rape invite sympathy. She is raped by a man she loves and trusts over the dead body of her recently murdered son who, despite his many faults, she obviously dearly loved. Cersei's subverted femininity and dynamic character have generated confusion and cognitive dissonance in viewers, a confusion that is readily apparent in the vast range of reactions to the scene. Some express outrage at the rape, while others (including

⁸⁵ Saraiya, *supra* note 67.

⁸⁶ *Id.* (quoting GEORGE R.R. MARTIN, *A STORM OF SWORDS* 851 (Bantam Books 2011) (2000)).

⁸⁷ Spector, *supra* note 81, at 171.

⁸⁸ *Game of Thrones: The Winds of Winter*, at 00:25:00–:28, 1:05:48–:06:35 (HBO television broadcast June 26, 2016).

⁸⁹ In an earlier episode, for example, Cersei tells Sansa, "Tears aren't a woman's only weapon. The best one is between your legs." *Game of Thrones: Blackwater*, at 00:32:01–:32:08 (HBO television broadcast May 27, 2012); Spector, *supra* note 81, at 186.

⁹⁰ Spector, *supra* note 81, at 171.

⁹¹ See KAMIR, *supra* note 16, at 34.

⁹² See Schubart & Gjelsvik, *supra* note 5, at 6.

the episode's director⁹³ and the actress that plays Cersei⁹⁴) argue that what occurred was actually consensual sex.⁹⁵

The wide range of reactionary discourse to this scene reflects the complicated understanding of sexual violence in western law and culture.⁹⁶ On the one hand, Jaime clearly rapes Cersei. She incessantly tells him “no” and to “stop” throughout the attack, so the rape is expressly nonconsensual. On the other hand, as in real-world rape cases,⁹⁷ the romantic relationship between victim and perpetrator and Cersei's promiscuity, both subjects of censorious gossip throughout the kingdom and even the basis for criminal charges against Cersei, operate to discredit and exclude her from legal redress.

Significantly, and perhaps because of the damning fact that Cersei's rape is committed by her brother, Cersei never actually faces and deals with the fact of her rape until she herself is cleansed of her incestuous sins by the State. After her rape, she is ultimately imprisoned and punished for her general promiscuity and incestuous relationship with Jaime by the official religious order of the capital of Westeros,⁹⁸ a fate which Jaime notably never shares. The leader of this religious order, the High Sparrow, haphazardly shears Cersei's hair, strips her of her noblewoman clothes, and forces her to take a naked walk of shame through the capital where she is further humiliated in front of and by the Westerosi citizens.⁹⁹ Cersei ends her punitive walk in tears at the castle, visibly shaken and literally and metaphorically stripped of her confident poise. This scene humanizes and cleanses Cersei, encouraging the audience to sympathize

⁹³In a widely circulated, controversial interview, the episode's director described Cersei's rape as consensual:

[S]he wraps her legs around him, and she's holding on to the table, clearly not to escape but to get some grounding in what's going on The big things to us that were so important, and that hopefully were not missed, is that before he rips her undergarment, she's way into kissing him back. She's kissing him aplenty.

Denise Martin, *Breaking Down Jaime and Cersei's Controversial Scene with Last Night's Game of Thrones Director*, VULTURE (Apr. 21, 2014), <http://www.vulture.com/2014/04/game-of-thrones-director-on-the-rape-sex-scene.html> [https://perma.cc/7H8J-ZR4F].

⁹⁴Jill Pantozzi, *Someone Finally Asked Lena Headey About That Controversial Game of Thrones Scene*, MARY SUE (Apr. 29, 2014), <http://www.themarysue.com/lena-headey-controversial-game-of-thrones-scene/> [https://perma.cc/3L35-57DY].

⁹⁵Ferreday, *supra* note 32, at 32 (citing a fan comment: “[T]hat happens sometimes in long-term relationships, ya know?”).

⁹⁶*See id.* at 33–34.

⁹⁷For a discussion on the evidentiary use of a rape complainant's prior sexual history, see generally Clifford S. Fishman, *Consent, Credibility, and the Constitution: Evidence Relating to a Sex Offense Complainant's Past Sexual Behavior*, 44 CATH. U. L. REV. 709, 712–13 (1995).

⁹⁸*Game of Thrones: The Gift*, at 00:57:18–:59:39 (HBO television broadcast May 24, 2015).

⁹⁹*Game of Thrones: Mother's Mercy*, at 00:46:49–:55:13 (HBO television broadcast June 14, 2015).

with her in spite of her past cruelties.¹⁰⁰ This walk of shame also serves as an additional act of sexual violence against Cersei, this time by the religious order in its role as a proxy for the State.¹⁰¹ When Cersei does eventually deal with her rape, it is through vicarious punishment—not of the perpetrator, but of the state actors that denied her justice and perpetrated her additional sexual injury.

Cersei's vengeance symbolically takes place at what is meant to be her trial for her own sexual "crimes," and also, ironically, in the very sept where she was raped.¹⁰² She locks her accusers and tormentors, including the High Sparrow, in the sept before blowing it up.¹⁰³ While her vengeance is arguably overinclusive, it is significant because it is not merely extralegal but literally antithetical to the law. Cersei's vengeance physically deconstructs the patriarchal legal constructs that surround sexual violence and rape in the show: courtroom "justice," religion, and the State. Furthermore, it precipitates Cersei's ascension to power. Among her victims in the sept is the young Queen Margaery, her son King Tommen's beloved wife, which drives Tommen to kill himself, opening the Iron Throne for Cersei to rule Westeros for the first time in her own right.

C. *The Unlikely Ice Queen: Sansa Stark*

Like Daenerys, Sansa Stark also undergoes a dynamic character arc. She begins the series as a paragon of noble womanly virtues. She is docile, submissive, beautiful, and insufferably privileged.¹⁰⁴ As the eldest, legitimate (known) surviving child of Ned Stark, the late Lord of Winterfell, Sansa holds the rightful claim to the seat of power at Winterfell, which rules over the northern territory of Westeros. She marries Ramsay Bolton,¹⁰⁵ the bastard son of the man who has laid claim to Winterfell in the wake of the brutal murders of

¹⁰⁰ See generally James Hibberd, 'Game of Thrones': Lena Headey's Nude Walk of Shame Body Double Speaks Out, ENT. WKLY. (June 18, 2015), <http://ew.com/article/2015/06/18/game-thrones-lena-headey-nude-double-van-cleave/> [https://perma.cc/E3HK-XPZS] (discussing the powerful emotions Cersei felt throughout the scene).

¹⁰¹ As then-king, Cersei's son Tommen recognized this religious order, led by the High Sparrow, as the official religious order of Westeros. *Game of Thrones: Blood of My Blood*, at 00:39:54–:40:05 (HBO television broadcast May 29, 2016). Moreover, the religious order is the only true institution on the show by which the State defines, promulgates, and enforces laws involving sexual misconduct, violence, and deviancy. See e.g., *Game of Thrones: The Gift*, *supra* note 98, at 00:56:58–:59:30 (imprisoning and punishing Cersei for sexual deviancy); *Game of Thrones: Unbowed, Unbent, Unbroken*, at 00:39:42–:43:00 (HBO television broadcast May 17, 2015) (interrogating and ultimately incarcerating Loras Tyrell for homosexuality).

¹⁰² *Game of Thrones: The Winds of Winter*, *supra* note 88, at 00:17:49–:20:38.

¹⁰³ *Id.*

¹⁰⁴ Spector, *supra* note 81, at 172.

¹⁰⁵ *Game of Thrones: Unbowed, Unbent, Unbroken*, *supra* note 101, at 00:48:45–:50:28.

Sansa's father,¹⁰⁶ mother, and older brother,¹⁰⁷ a move meant to win back her family seat and to avenge her family.¹⁰⁸ Sansa strides confidently to her strategic wedding ceremony, exhibiting a sense of agency that makes her a true player in the game of thrones for the first time.¹⁰⁹

Her independence in her wedding scene starkly contrasts the next scene, in which she is violently raped by her psychopathic, sadistic new husband.¹¹⁰ Husband and wife are escorted to their bedroom by Ramsay's "pet," Theon "Reek" Greyjoy, a man with whom Sansa grew up as a near-sibling, but whom Ramsay has systematically dehumanized through physical torture, sexual violence, and psychological abuse.¹¹¹ Ramsay tells Sansa to undress.¹¹² Theon turns to leave, but Ramsay stops him: "No, no, no. You stay here, Reek. You watch."¹¹³ The camera cuts to Sansa's face as she begins to cry. Theon tries again to look away and also begins to cry, but Ramsay commands him again to look: "You've known Sansa since she was a girl, now watch her become a woman."¹¹⁴ Ramsay unceremoniously rips off Sansa's wedding gown, bends her over the bed, and forces himself into her as she cries out, the camera still directed at her pained, tear-streaked, and humiliated face as he violently rapes her from behind. The camera then cuts to Theon's face, through which the audience watches the remainder of the scene, as he is forced to watch Ramsay rape Sansa. The camera lingers and the scene draws on, Theon's face contorted in anguish while Sansa screams in agony in the background until, finally, the screen welcomingly fades to black.

As in the earlier rape scenes, there are traditional and nontraditional tropes and elements in this scene. The marital rape itself is nontraditional.¹¹⁵ Moreover, even though Sansa willingly complies with her husband's demands and never expressly says "no," the scene very clearly depicts nonconsensual rape.¹¹⁶ The brutal nature of the attack as well as the attacker's status as a legitimized bastard fit with a traditional understanding of rapists as depraved, morally corrupt "others."¹¹⁷ The combination of traditional and nontraditional rape elements

¹⁰⁶ *Game of Thrones: Baelor*, at 00:55:00–:56:43 (HBO television broadcast June 12, 2011).

¹⁰⁷ *Game of Thrones: The Rains of Castamere*, at 00:50:43–:51:23 (HBO television broadcast June 2, 2013).

¹⁰⁸ Melissa Leon, *The Rape of Sansa Stark: 'Game of Thrones' Goes Off-Book and Enrages Its Female Fans*, DAILY BEAST (May 19, 2015), <http://www.thedailybeast.com/articles/2015/05/19/the-rape-of-sansa-stark-game-of-thrones-goes-off-book-and-enrages-its-female-fans.html> [https://perma.cc/BGL6-2SHZ].

¹⁰⁹ *Id.*

¹¹⁰ *Game of Thrones: Unbowed, Unbent, Unbroken*, *supra* note 101, at 00:52:21–:54:20.

¹¹¹ See *infra* text accompanying note 118.

¹¹² *Game of Thrones: Unbowed, Unbent, Unbroken*, *supra* note 101, at 00:52:21–:22.

¹¹³ *Id.* at 00:52:25–:33.

¹¹⁴ *Id.* at 00:53:30–:35.

¹¹⁵ See CUKLANZ, *supra* note 18, at 31, 129.

¹¹⁶ *Game of Thrones: Unbowed, Unbent, Unbroken*, *supra* note 101, at 00:52:21–:54:20.

¹¹⁷ See CUKLANZ, *supra* note 18, at 5–6.

simultaneously portrays a stagnant, antiquated vision of feminine vulnerability and subordination even while portraying a more progressive and expansive cultural understanding of rape.

The double framing of this scene is also uniquely revealing. First, viewers witness the rape through the gaze of the camera as outraged citizens of Westeros. Second, viewers watch the rape through Theon's facial expressions and horrified reactions coupled with Sansa's pained screaming, implicating Theon as a second victim. Theon has himself been subjected to unspeakable, dehumanizing torture and literal, emasculating removal of his genitalia at the hands of Sansa's rapist.¹¹⁸ Ramsay uses Sansa's rape as a visibly effective tool to reinforce Theon's emasculation and submission to Ramsay, sexually victimizing Theon again with his forced complicity in the brutal rape of his once-foster sister. However, the scene also represents a significant turning point for Theon. It rehumanizes Theon, later leading him to abet Sansa's escape from her cruel husband,¹¹⁹ a redemption story that is decidedly extralegal.

It is not *per se* problematic that there are two victims in Sansa's rape scene, or that the rape sparks positive character development in both.¹²⁰ Theon has certainly developed from an overly proud young man, into a deplorable, traitorous (adoptive) kinslayer, kingslayer, and child murderer, then into a dehumanized, emasculated subhuman, and, finally, into a humbled but somewhat forgivable man. Sansa has concurrently grown from an idealistic young noble girl into a practical and empowered woman. After Theon helps her to escape, Sansa and her half-brother, Jon Snow, return to face Ramsay Bolton's army and reclaim their family home and seat of power at Winterfell.¹²¹ In an epic moment of feminine empowerment, it is Sansa who secures their victory on the battlefield by garnering an additional army that deals the fatal blow to Ramsay's forces at a moment when it seems Jon has been crushingly defeated.¹²²

To simplify Sansa's rape by dismissing it as hyperfocused on Theon's own redemption story is to impose further sexual injury onto her character.¹²³ Ultimately, it is Sansa, not Theon or the State, who brings about her own redemption and empowerment. In the most powerful moment of her self-

¹¹⁸ E.g., *Game of Thrones: The Bear and the Maiden Fair*, *supra* note 15, at 00:41:29–:42:10.

¹¹⁹ *Game of Thrones: Mother's Mercy*, *supra* note 99, at 00:21:16–:45.

¹²⁰ See *contra* CUKLANZ, *supra* note 18, at 2, 31 (arguing that rape portrayals in primetime problematically focused on juxtaposing good and bad masculinity, generating a discourse of masculinity and perpetuating an antiprogressive hegemonic masculinity).

¹²¹ *Game of Thrones: Battle of the Bastards*, at 00:31:53–:53:26 (HBO television broadcast June 19, 2016).

¹²² *Id.* at 00:49:31–:51:14.

¹²³ This would be akin to earlier depictions of rape in primetime, which minimized the female victim's experience by making these scenes a dialogue about masculinity by centering the scenes around male perpetrators and heroes. See *supra* notes 34–45 and accompanying text.

actualization, Sansa exacts extralegal personal revenge by killing her rapist.¹²⁴ In an earlier scene, after Ramsay's army has fallen and the Stark siblings have retaken Winterfell, Jon seemingly intends to steal this moment from Sansa.¹²⁵ He only stops himself from beating Ramsay to death when Sansa shoots him a powerful look that clearly claims Ramsay's life as hers to take. In a powerful scene, Sansa ironically releases Ramsay's own starving hounds on him—hounds which the audience has witnessed him use to hunt, torture, and murder countless victims—while Ramsay sits helplessly tied to a chair.¹²⁶ Viewers watch Sansa's vengeance through Sansa, as she watches the hounds devour Ramsay and then walks off with a powerful look directly into the camera to the sounds of Ramsay's screaming—double framing that significantly mirrors that of Sansa's rape scene. In this scene, however, rather than highlighting a moment of victimization, the double framing draws attention to Sansa's strength and poise.¹²⁷

Like Daenerys's and Cersei's narratives, Sansa's narrative becomes one of empowerment through vengeance, an emotional mode of punishment that legal institutions are designed to repress.¹²⁸ Ramsay's execution represents a pure justice that is impossible both within the legal system that exists in the show and in the real world. Under this understanding of justice, the focus is on the victim and her redemption rather than on her rapist's punishment for his wrongdoing,¹²⁹ which may or may not have even been legally actionable in the show. Sansa's revenge narrative thereby leads viewers from their outrage at her rape and Ramsay's countless other atrocities to a cathartic sense of satisfaction at finally bearing witness to his just deserts. Sansa's blatant rejection of the acceptable legal recourse for acts of sexual violence works to establish a space for understanding her rape that goes beyond any legal imagination thereof. Furthermore, as in the earlier scenes, Sansa's rape is entirely absent from the written series. In the written series, she never marries Ramsay Bolton, is never raped, and never has any opportunity to avenge herself.¹³⁰ Sansa never develops into anything more than a pawn for other characters' machinations for power.¹³¹ For better or worse, this departure from the written series in the television adaptation makes Sansa's character development even more notable and

¹²⁴ *Game of Thrones: Battle of the Bastards*, *supra* note 121, at 00:57:17–:59:41.

¹²⁵ *Id.* at 00:54:00–:54:59.

¹²⁶ *Id.* at 00:56:32–:59:40.

¹²⁷ Even to the bitter end, Ramsay taunts Sansa: “You can’t kill me. I’m part of you now.” *Id.* at 00:57:17–:22. Sansa blatantly rejects Ramsay’s suggestion that he has any hold over her, instead promising him: “Your words will disappear. Your house will disappear. Your name will disappear. All memory of you will disappear.” *Id.* at 00:57:25–:40. With her words, Sansa indicates that her true vengeance is to reclaim her independence from her attacker by destroying his legacy and erasing him from history, a place in which he desperately sought recognition.

¹²⁸ Miller, *supra* note 70, at 161.

¹²⁹ *Id.* at 166–67.

¹³⁰ See Spector, *supra* note 81, at 175–76.

¹³¹ *Id.* at 175.

powerful. Sansa is ultimately a *conqueror*, not a *victim*, because of the extralegal vengeance she executes against her rapist, establishing her as a powerful player in the game of thrones and challenging the patriarchal culture of Westeros.

IV. A CUMULATIVE ANALYSIS: EXPANDING THE EXISTING THEORETICAL FRAMEWORK

The portrayal of rape in all three of these scenes in HBO's *Game of Thrones* both resists and expands upon the existing theories for understanding the relationship between rape law, rape culture, and cinema.¹³² As mentioned above, the fantasy genre provides a unique forum for exploring this relationship in that it is distant from modern culture, encouraging viewers to immerse themselves in the medieval fantasy community of the show.¹³³ The anachronistic imposition of modern viewers in a setting that is both historical and fantastic generates an experiential dissonance with the potential to simultaneously "represent, interrogate, and alter reality."¹³⁴ Furthermore, the characters of *Game of Thrones* defy the bounds of particularized character tropes. They are complexly human and dynamic characters that have developed throughout the extensive seven-season show, distinguishing them from the distinct representations of "good" and "bad" masculinity that were fundamental to earlier feminist film theories.¹³⁵

These two narrative elements of *Game of Thrones* resist earlier theories of sexual violence, law, and film, and have the potential to progress rather than perpetuate rape culture. First, the medieval setting and fantasy elements provide an alternate world in which viewers can wholly immerse themselves. This active viewership presents rape as a complex social phenomenon and social harm, a "product of gendered, raced and classed social relations that are central to [the] patriarchal and heterosexist culture" of the show, rather than as an individual crime.¹³⁶ The fantasy genre allows for a creative forum that encompasses realistic elements but is also capable of transcending reality,¹³⁷ as it is not bound by the social and legal constructs that constrain other dramatic genres such as detective and crime drama.¹³⁸ This allows the audience to suspend their disbelief and understand the *Game of Thrones* world as existing beyond the constructs surrounding sexual violence that are entrenched in viewers' own culture.¹³⁹ At the same time, the world in which the show exists is not wholly unfamiliar to viewers. For example, the show's mainstream culture has recognizable political

¹³² See *supra* Part II.

¹³³ See *supra* notes 13–14 and accompanying text.

¹³⁴ Baker, *supra* note 13, at 440.

¹³⁵ See CUKLANZ, *supra* note 18, at 2, 31.

¹³⁶ Ferreday, *supra* note 32, at 22.

¹³⁷ Baker, *supra* note 13, at 437.

¹³⁸ See, e.g., KAMIR, *supra* note 16, at 1–5.

¹³⁹ See discussion *infra* note 184.

and legal systems¹⁴⁰ and viewers can understand the common tongue of Westeros.

Second, the sheer length of the show allows for more complex character development that ultimately results in more realistically human characters.¹⁴¹ Apart from a few characters that can be characterized as “bad” men,¹⁴² most of the characters defy the binary of “good” and “bad” masculinity upon which the early theories rest.¹⁴³ The fact that all the characters of the show, both male and female, defy fictional character tropes humanizes each of them. This character complexity belies any assessment that *Game of Thrones* and its many rape scenes are exclusively focused on masculine identity and women’s relation thereto.¹⁴⁴ These narrative elements encourage the audience to actively engage in the mainstream culture of the show and to engage in discourse regarding the social and legal issues that arise in the series.

In the detective and crime shows that served as the basis for Kamir’s and Cuklanz’s theories,¹⁴⁵ even more progressive cinematic representations of acquaintance rape emphasized a balanced “discourse of masculinity, helping to construct and define a version of hegemonic masculinity in the face of feminist challenges to the traditional construction.”¹⁴⁶ The marginal, abnormal, depraved rapists were juxtaposed against morally sound protector–detectives.¹⁴⁷

In *Game of Thrones*, Daenerys, Cersei, and Sansa defy traditional socio-legal understandings of rape victims, juxtaposing their rapists themselves with this defiance. Their rapes become pivotal moments in their complex narratives of empowerment, rather than signaling a fate worse than death, “the absolute worst, the end of everything.”¹⁴⁸ Their rapes are each framed negatively, and while there *is* an existing legal framework for prosecuting certain categories of rape in the show, these women instigate resolutions for dealing with their sexual injuries in ways that are centered around their own empowerment and redemption rather than state-defined “justice.”¹⁴⁹ By dealing with their sexual injuries extralegally, these three women develop into dynamic characters that defy earlier feminist theories premised on comparative male characters

¹⁴⁰ See, e.g., Perry S. Bechky, *The International Law of Game of Thrones*, 67 ALA. L. REV. ONLINE 1, 1–3 (2015) (relating rules of international law on the show to real-world international legal policies).

¹⁴¹ See Schubart & Gjelsvik, *supra* note 5, at 9 (“Opinions differ as to whether [*Game of Thrones*] exposes or exploits women We take this conflict as a sign that the women in [*Game of Thrones*] are psychologically complex, sexually transgressive, ideologically ambiguous, and intimately grounded in human emotions.”).

¹⁴² For example, Sansa’s rapist, Ramsay Bolton, is portrayed as fundamentally wicked.

¹⁴³ CUKLANZ, *supra* note 18, at 2, 31.

¹⁴⁴ *Id.* at 154; see also KAMIR, *supra* note 16, at 155–56.

¹⁴⁵ See CUKLANZ, *supra* note 18, at 19–25; KAMIR, *supra* note 16, at 1–5, 37–38.

¹⁴⁶ CUKLANZ, *supra* note 18, at 2.

¹⁴⁷ *Id.* at 6.

¹⁴⁸ Halley, *supra* note 69, at 104 (quoting ANONYMOUS, A WOMAN IN BERLIN: EIGHT WEEKS IN THE CONQUERED CITY: A DIARY 63 (Philip Boehm trans., 2005) (1959)).

¹⁴⁹ See *supra* text accompanying notes 71–81, 102–03, 122–31.

embodying “bad” and “good” masculinity and vulnerable female victims.¹⁵⁰ Furthermore, because the victims and perpetrators are diverse and distinct, rape is presented as a systemic social issue rather than merely the localized natural result of individual sickness and perversion.¹⁵¹

This social understanding of rape is also suggested by the clear connection of rape to the patriarchy of Westeros. Cuklanz’s theory, for example, rested upon the fact that rape was disconnected from “structural elements of American life such as socialization, patriarchy, pervasive depictions of violence against women, or oppositionally defined gender roles.”¹⁵² The separation of rape from these social structures was necessary to maintain the integrity of masculinity because it was essential to isolating rape as a phenomenon exclusive to marginal, depraved, and perverse individuals.¹⁵³ In *Game of Thrones*, rape is not distanced from but the result of the patriarchal culture, reflecting at least some of the progressive, feminist influence that was lost in earlier primetime portrayals of sexual violence.¹⁵⁴

This connection is common to all three of the rape scenes examined in Part III. Sansa’s rapist, Ramsay Bolton, was a psychopathic bastard, so he certainly fits the traditional rapist trope.¹⁵⁵ However, he was also legitimized by both the King and his father, allowed to sit as a noble lord and acting warden of the northern kingdom at Winterfell in his father’s absence,¹⁵⁶ and likely would have suffered no legal repercussions for raping Sansa. She was, after all, his wife, so although the filming clearly depicted the encounter as rape, it was essentially his legal right.¹⁵⁷ Moreover, he never would have been legally permitted to marry Sansa, a noblewoman, and so never would have had the opportunity to rape her if the State had not legitimized him. These facts portray Sansa’s rape as not only connected to, but a product of, the patriarchy.

Likewise, Cersei was raped by her brother, so their incestuous relationship suggests Jaime’s sickness and perversion. The perverse nature of the rape is accentuated by the fact that he rapes her in the religious sept practically on top of their son’s dead body. And yet this rape, too, is closely tied to the patriarchy of Westeros, which has forced Cersei to rely on her sexuality to navigate

¹⁵⁰ See *supra* Part II.

¹⁵¹ *Contra* CUKLANZ, *supra* note 18, at 97 (“The crime of rape continues to be characterized as something caused by rapist character: marginal people with poor comprehension of the rules and norms of social conduct, or with outright antisocial attitudes, are the unfortunate cause of rape. Socialization, media portrayals, pornography, economic inequality, and other social causes do not enter these stories as explanations of rape.”).

¹⁵² *Id.* at 69.

¹⁵³ See Ferreday, *supra* note 32, at 22.

¹⁵⁴ See CUKLANZ, *supra* note 18, at 154.

¹⁵⁵ *Id.* at 6.

¹⁵⁶ *Game of Thrones: The Mountain and the Viper*, at 00:35:22–:36:05 (HBO television broadcast June 1, 2014).

¹⁵⁷ CUKLANZ, *supra* note 18, at 129–32.

Westerosi politics and survive as a widowed noblewoman.¹⁵⁸ Moreover, it symbolically takes place in the religious sept of the capital city of Westeros, a location that serves as the State's courtroom—a room in which Cersei herself is to be tried for her “unfeminine” sexuality and incest in a show of hypocrisy.

Even Daenerys's rape is connected to the patriarchal society of Westeros. On the one hand, her rapist, Khal Drogo, is an “other.” He is dark skinned and foreign, and thus fits with the exotic-rapist trope,¹⁵⁹ which disconnects him from the Westeros patriarchy. Moreover, the rape occurs outside of Westeros.¹⁶⁰ However, Daenerys is only living in exile because her father was defeated in an earlier Westerosi rebellion.¹⁶¹ Daenerys is raped after her brother trades her in marriage in exchange for the promise of an army that he hopes to use to reclaim the Iron Throne,¹⁶² so her rape was also spurred by the Westerosi patriarchy.

Each of these three rape scenes suggests a causal relationship between the patriarchy and rape culture as opposed to interposing distance between the two. This represents a progression from earlier primetime portrayals of rape, which served to maintain a positive, balanced discourse for masculinity despite feminist reforms.¹⁶³ Even while frequently featuring violent rapes and other acts of sexual violence, the show has created a platform for discussing sexual violence that could be helpful in bringing about meaningful social and legal reform.¹⁶⁴

V. BEYOND THE LAW: ROUGH JUSTICE IN THE WILD WESTEROS

There are many problematic depictions of rape and other sexual violence on the show. The three portrayals of rape analyzed in this Essay are particularly conspicuous because the film adaptation transforms scenes of consensual sex in the written series—or, in the case of Sansa's rape, fabricates an encounter that never occurred in the books—into gratuitous, nonconsensual rape.¹⁶⁵ Comparing *Game of Thrones* to another primetime show, *Outlander*, which also regularly features scenes of violent sexual assault, one critic, Jennifer Phillips, has found that *Game of Thrones*' lack of fidelity to the text problematically removes the agency of its female characters, depicting “gratuitous rape” with no

¹⁵⁸ See Scott Meslow, ‘Game of Thrones’: *Making Sense of All the Sex*, ATLANTIC (Apr. 25, 2011), <http://www.theatlantic.com/entertainment/archive/2011/04/game-of-thrones-making-sense-of-all-the-sex/237759/> [<https://perma.cc/EXS5-X7LP>].

¹⁵⁹ See Ferreday, *supra* note 32, at 31.

¹⁶⁰ *Game of Thrones: Winter Is Coming*, *supra* note 49, at 00:55:41–:57:33.

¹⁶¹ See *Game of Thrones: The Queen's Justice*, *supra* note 67, at 00:15:08–:35 (describing her exile from Westeros following her flight from assassins sent to kill her by Robert Baratheon, former king of Westeros, who defeated her father for control of the Iron Throne).

¹⁶² *Game of Thrones: Winter Is Coming*, *supra* note 49, at 00:38:28–:39:26.

¹⁶³ CUKLANZ, *supra* note 18, at 2.

¹⁶⁴ See Ferreday, *supra* note 32, at 21 (“[F]an [reactions] . . . provide a potential space for change through speaking out about silenced experiences of trauma.”).

¹⁶⁵ Phillips, *supra* note 60, at 176–77.

narrative purpose or value.¹⁶⁶ Phillips ultimately asserts that in adapted cinematic series, “scenes of rape and sexual assault are more likely to be accepted by viewers and critics if they were part of the original text.”¹⁶⁷ But as a policy matter, is viewer acceptance necessarily a positive achievement?

By making sexual violence hypervisible with this very infidelity to the text, the show has the potential to “demystify and deconstruct” the legal constructs that surround and delimit rape.¹⁶⁸ Although all three of these rapes in *Game of Thrones* were excluded from the show’s (and, in some places, the real world’s) legal construct of rape, they were clearly nonconsensual *rape*. For example, in all but Cersei’s rape, the victims do not expressly manifest *non-consent* nor do they “resist” their rapists “to the ‘utmost,’”¹⁶⁹ traditional legal elements of rape. Yet it is clear that what these women are experiencing is equally rape. The fact that viewers are outraged rather than accepting of these scenes thereby initiates social discourse that may be a useful tool in deconstructing existing social and legal understandings of rape.¹⁷⁰

Moreover, *Game of Thrones*, particularly in these three rape scenes, creates a space in which acts of sexual violence are notably not referred to the State. The rapes unfold and are resolved extralegally in a way that is impossible in the real world.¹⁷¹ As an example, the influence of the law on understandings of rape is also observable in international conflict, in the “acute but temporary absence of local law.”¹⁷² But even in this real-world context, rape discourse is limited by its inherent operation “in a web of contradictory and intensely politicized meanings and conceptual tools that [it] cannot fully transcend.”¹⁷³

In the show, by contrast, free of real-world politicization and legal conceptual tools, each of these rapes develops into a narrative of self-help and feminine empowerment for the three women. Daenerys chooses to view her

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at 177.

¹⁶⁸ See Baker, *supra* note 13, at 441–42.

¹⁶⁹ Cynthia Ann Wicktom, Note, *Focusing on the Offender’s Forceful Conduct: A Proposal for the Redefinition of Rape Laws*, 56 GEO. WASH. L. REV. 399, 402–04 (1988). This is the position that Sophie Turner, the actress who plays Sansa Stark, has taken:

This [discussion surrounding Sansa’s rape] was the trending topic on Twitter, and it makes you wonder, when it happens in real life, why isn’t it a trending topic every time? This was a fictional character, and I got to walk away from it unscathed Let’s take that discussion and that dialogue and use it to help people who are going through that in their everyday lives. Stop making it such a taboo, and make it a discussion.

Daniel D’Addario, *Sophie Turner: I Want Sansa Stark To Have ‘More Kills’ on Game of Thrones*, TIME (July 5, 2017), <http://time.com/4773779/game-of-thrones-sophie-turner-sansa-stark/> [https://perma.cc/GR74-QLH7].

¹⁷⁰ See Ferreday, *supra* note 32, at 21.

¹⁷¹ See Miller, *supra* note 70, at 161.

¹⁷² Halley, *supra* note 69, at 118.

¹⁷³ *Id.* at 120.

rape—which she clearly and expressly decries as rape¹⁷⁴—as a pivotal moment in her own sexual actualization. Her growth, spurred in part by her independent sexuality, eventually empowers her to become a critical, subversive female character and significant threat to the dominant patriarchy of the show.¹⁷⁵ Cersei seeks her own vengeance against the State through its religious order, literally deconstructing the legal constructs that define her adulterous promiscuity and consensual, incestuous relationship as criminal sexual perversion while overlooking her own (and others') sexual victimization.¹⁷⁶ Finally, Sansa exacts personal vengeance against her incorrigible rapist, enacting viewers' fantasies and wholly rejecting the existing legal structure that forced her rapist upon her.¹⁷⁷ Not only do these characters' resolutions affect their own personal character development, they challenge the patriarchal culture that imposes particular definitions of rape and sexual violence upon them, under which definitions their own rapes would likely be excluded. Their challenge comes to fruition in a powerful depiction of feminine empowerment in the seventh season, a scene in which Daenerys, finally in her native Westeros, sits at the head of a table surrounded by other female leaders discussing her plan to conquer Westeros,¹⁷⁸ while Cersei sits on the Iron Throne in King's Landing¹⁷⁹ and Sansa sits as the acting ruler of the north.¹⁸⁰ In this way, not only does *Game of Thrones* deconstruct socio-legal constructs, it has progressive transformative potential.¹⁸¹

Outside of this fantasy world, viewers do not and cannot exist beyond the legal prosecutorial domain. Even in the detective and crime dramas examined by earlier theorists, legal resolutions and the shows' legal prosecutorial settings constrained any theoretical discourse regarding sexual violence.¹⁸² We understand rape and sexual violence in the context of its historic legal development and as defined by state actors and institutions meant to establish legal order.¹⁸³ The law, therefore, inescapably shapes the public's imagination of what sexual violence is,¹⁸⁴ and limits substantive legal understandings of rape

¹⁷⁴ See discussion *supra* note 67 (quoting *Game of Thrones: The Queen's Justice*, *supra* note 67, at 00:15:32–:16:12).

¹⁷⁵ Spector, *supra* note 81, at 186–87; *supra* notes 71–81 and accompanying text.

¹⁷⁶ See *supra* notes 102–03 and accompanying text.

¹⁷⁷ See *supra* notes 122–31 and accompanying text.

¹⁷⁸ *Game of Thrones: Stormborn*, at 00:21:22–:25:36 (HBO television broadcast July 23, 2016).

¹⁷⁹ *Id.* at 00:14:26–:40.

¹⁸⁰ *Id.* at 00:43:05–:43:36.

¹⁸¹ See Baker, *supra* note 13, at 441–42.

¹⁸² See CUKLANZ, *supra* note 18, at 19–25; KAMIR, *supra* note 16, at xii, 1–5, 37–38.

¹⁸³ Miller, *supra* note 70, at 161.

¹⁸⁴ See, for example, Janet Halley's discussion of the story of Helen of Troy. Halley, *supra* note 69, at 119. In the numerous versions of the story of Helen, it is consistently unclear whether she was “raped or seduced,” apparently

[B]ecause ancient Greek norms about male honor and female betrayal turned not on whether the woman was free from force or consented, but on whether she was married

as well as the legal procedures for punishing offenders. Representations of rape and explorations of the meaning of rape within a real-world legal framework, therefore, necessitate the use of the available legal language for representing and exploring rape.¹⁸⁵ Moreover, the law tends to be more focused on retribution for wrongdoers than justice for victims.¹⁸⁶

By contrast, the fantastic, medieval setting of *Game of Thrones* presents an opportunity for self-help that empowers these three women. It accepts the substance of the law, that rape is wrong, while rejecting the administration of legal “justice,” the law’s general lack of concern with the actual victims of rape,¹⁸⁷ and the further, state-imposed sexual injury that results therefrom. The methods employed by these three women function, therefore, not to deny the law, but to improve upon it by administering *true* justice.¹⁸⁸ Resolution of the three rapes takes on a more victim-centric framing, allowing these women to empower themselves and seek their own devices for dealing with their assaults, rather than focusing on the perpetrators’ retribution and punishment.¹⁸⁹ Moreover, because the show’s viewers serve as witnesses to the rapes, these improvements do not serve the victims’ standardless preferences regarding legal understandings of rape. Viewer-witnesses understand the function of this self-help as justice for wrongs that the audience agrees are wrongful.¹⁹⁰ The real world lacks the potential for omnipotence that would be necessary for such justice to properly exist. There is no way of knowing with certainty, for example, which actors are deserving of punishment. But by removing historic legal constructs as they have developed, and by engaging its viewers as active participants in this extralegal setting, *Game of Thrones* creates a space for a more productive discourse with the potential to deconstruct and then reconstruct legal understandings of sexual violence.

As such, *Game of Thrones* does more than open a critical conversation about rape: it denies and challenges the bounds of legal constructs that delimit viewers’ imaginations of rape.¹⁹¹ *Game of Thrones* refers to but notably refracts

or seduced from home; if either of the latter, rape and seduction were equally grave crimes and retaliation and retrieval were entirely warranted.

Id. (citing Mary R. Lefkowitz, *Seduction and Rape in Greek Myth*, in *CONSENT AND COERCION TO SEX AND MARRIAGE IN ANCIENT AND MEDIEVAL SOCIETIES* 17, 17–19 (Angeliki E. Laiou ed., 1993)). This discussion indicates the power of the law and social norms in shaping our understanding of sexual violence. In modern legal tradition, there is a stark difference between being raped and being seduced, and the legal reaction to either would hardly be the launch of a thousand ships. Further, the distinction between rape and seduction lies in the notions of state-defined consent and resistance. *See* Wicktom, *supra* note 169, at 402–04.

¹⁸⁵ Halley, *supra* note 69, at 111.

¹⁸⁶ Miller, *supra* note 70, at 167.

¹⁸⁷ *Id.* at 182.

¹⁸⁸ *Id.* at 176.

¹⁸⁹ *Id.* at 167.

¹⁹⁰ *Id.* at 176.

¹⁹¹ Halley, *supra* note 69, at 111.

recognizable legal constructs by situating these rape portrayals in a setting where such legal frameworks are potentially *available* but ultimately rejected by victims.¹⁹² It allows viewers to indulge in a fantasy that lies beyond legal procedural developments that arguably “put the law at the service of injustice”¹⁹³ without the repercussions of institutionalizing and legalizing emotional vengeance in real life.¹⁹⁴ More importantly, it allows viewers to explore legal constructs of rape and sexual violence in the context of this extralegal, fantastical safe space, unconstrained by the law that invariably shapes public understandings of what sexual violence is.

The trend toward the hyperprevalence of sexual violence on primetime television, coupled with the sheer magnitude of the audience of popular cultural phenomena allow messages about rape to reach an impressive number of people. By presenting controversial instances of rape that lie and are resolved beyond the existing legal framework, and inviting viewers to become actively engaged participants in this extralegal domain, *Game of Thrones* serves as a large-scale social experiment for exploring and challenging social and legal understandings of sexual violence in ways that are otherwise impossible.

¹⁹² See KAMIR, *supra* note 16, at 33 (arguing that films can potentially operate to “expose and subvert” social and legal gender constructs by referencing and refracting such legal constructs).

¹⁹³ Miller, *supra* note 70, at 201.

¹⁹⁴ *Id.* at 180.